



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAIL

ZITO TLP
26005 RIDGE ROAD, SUITE 203
DAMASCUS, MD 20872

MAY 12 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Eric Jensen
Application No. 09/899,128
Filed: July 6, 2001
For: **WIRELESS SYSTEM SIGNAL
PROPAGATION COLLECTION AND
ANALYSIS**

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the petition filed March 18, 2005 to withdraw holding of abandonment pursuant to 37 C.F.R. § 1.181(a), and supplemented via facsimile submissions on May 9, 2005. The facsimile submissions include a signed copy of Applicant's reply. No fee is required.

The petition is **GRANTED**.

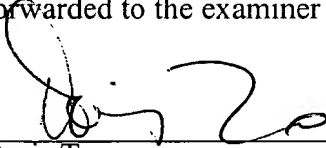
The application was abandoned for failure to respond in a timely and effective manner to the non-final Office action mailed January 5, 2004. A Notice of Abandonment was mailed on February 8, 2005.

Petitioner asserts that a proper response was timely filed on March 17, 2004. In support of the petition, Petitioner has submitted, a copy of Applicant's reply and a date-stamped post card receipt evidencing receipt of the response within the United States Patent & Trademark Office on March 17, 2004.

The original correspondence filed was not matched with the application file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.P.T.O. of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Patent and Trademark Office but not matched with the application file.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application file will be forwarded to the Technology Center's technical support staff for entering the copy of the response submitted with the petition. From there, the file will be forwarded to the examiner for further examination in due course.


Doris To
Special Program Examiner
Technology Center 2600
Communications

CC: Duane Morris LLP
1667 K Street N.W., Suite 700
Washington D.C. 2006-1608